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BEFORE THE ARIZONA CORPORATIC

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

AZ CORP COMMISSION  
DOCKET CONTROL

GARY PIERCE - Chairman  
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SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

AUG 03 2012

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF  
W.M. WOOTTON/DESERT VALENCIA WATER  
SYSTEM FOR APPROVAL OF THE TRANSFER  
OF ITS ASSETS AND ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO DESERT  
VALENCIA WATER COMPANY, INC.

DOCKET NO. W-02059A-11-0172

DOCKET NO. W-20801A-11-0172

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On April 22, 2011, W.M. Wootton/Desert Valencia Water System ("System") filed with the Arizona Corporation Commission ("Commission") an application requesting Commission approval for the transfer of its assets and its Certificate of Convenience and Necessity ("Certificate") to Desert Valencia Water, Inc. ("DVWI"). Pursuant to the application, the System and DVWI entered into an agreement on April 13, 2011, under which the System will transfer all of its assets and its Certificate to DVWI.

On May 16, 2011, the System filed certification of publication showing that notice of the application had been published in the *Yuma Sun* on April 28, 2011. The System also filed certification that it had provided notice to its customers by mail on April 30, 2011.

On June 10, 2011, the Commission's Utilities Division Staff ("Staff") issued a Notice of Insufficiency pursuant to A.A.C. R14-2-411 along with a request for additional data.

On June 13, 2012, Staff issued a Notice of Sufficiency stating that the System's application had met the sufficiency requirements of A.A.C. R14-2-411.<sup>1</sup>

Pursuant to A.A.C. R14-3-101, the Commission now enters this Procedural Order to govern the preparation and conduct of this proceeding.

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<sup>1</sup> The Notice of Sufficiency was not received by the presiding Administrative Law Judge until August 1, 2012.

IT IS THEREFORE ORDERED that a **hearing** in this matter shall commence on **September 25, 2012, at 10:00 a.m.**, or as soon thereafter as is practicable at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that **the System and DVWI** shall each file, by **August 31, 2012**, a Notice of Appearance of Counsel or a Resolution specifically authorizing an officer or employee, as applicable, to represent it before the Commission in this matter as permitted under A.R.S. § 40-243(B).

IT IS FURTHER ORDERED that **the System** shall provide public notice of the application and hearing in this matter, in the following form and style, with the heading in no less than 12-point bold type and the body in no less than 10-point regular type:

**IN THE MATTER OF THE APPLICATION OF W.M. WOOTTON/DESERT  
VALENCIA WATER SYSTEM FOR APPROVAL OF THE TRANSFER OF  
ITS ASSETS AND ITS CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO DESERT VALENCIA WATER COMPANY, INC.  
(Docket No. W-02059A-11-0172 et al.)**

On April 22, 2011, W.M. Wootton/Desert Valencia Water System ("System") filed with the Arizona Corporation Commission ("Commission") an application requesting Commission approval for the transfer of its assets its Certificate of Convenience and Necessity ("Certificate") to Desert Valencia Water, Inc. ("DVWI"). Copies of the application and the other documents filed in this matter are available at the System's offices **[COMPANY INSERT ADDRESS HERE]**; at the Commission's Docket Control Center at 1200 West Washington Street, Phoenix, Arizona, for public inspection during regular business hours; and on the Internet via the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function.

The Commission will hold a **hearing** in this matter beginning on **September 25, 2012, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted via email (for instructions go to <http://www.azcc.gov/divisions/utilities/forms/publiccommentform.pdf>) or by mailing a letter referencing Docket No. W-02059A-11-0172 et al. to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you desire to intervene, you must file a written motion to intervene with the Commission no later than **September 14, 2012**. You must send a copy of the motion to intervene to the System and DVWI, or to their counsel, and to all parties of record. Your motion to intervene must contain the following:

- 1        1.     Your name, address, and telephone number and the name, address, and  
2                telephone number of any person upon whom service of documents is to be  
              made, if not yourself;
- 3        2.     A short statement of your interest in the proceeding (e.g., a customer of the  
4                System, etc.); and
- 5        3.     A statement certifying that you have mailed a copy of the motion to intervene  
              to the System and DVWI, or their counsel, and to all parties of record in the  
6                case.

7        The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
8        that all motions to intervene must be filed on or before **September 14, 2012.** If  
9        representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme  
10       Court, intervention will be conditioned upon the intervenor's obtaining counsel to  
11       represent the intervenor. For information about requesting intervention, visit the  
12       Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>.  
13       The granting of intervention, among other things, entitles a party to present sworn  
14       evidence at hearing and to cross-examine other witnesses. However, failure to  
15       intervene will not preclude any interested person or entity from appearing at the  
16       hearing and providing public comment on the application or from filing written  
17       comments in the docket for the case.

18       The Commission does not discriminate on the basis of disability in admission to its  
19       public meetings. Persons with a disability may request a reasonable accommodation  
20       such as a sign language interpreter and request this document in an alternative format  
21       by contacting the ADA Coordinator, Shaylin Bernal, at [sabernal@azcc.gov](mailto:sabernal@azcc.gov), voice  
22       phone number (602) 542-3931. Requests should be made as early as possible to allow  
23       time to arrange the accommodation.

24       IT IS FURTHER ORDERED that **W.M. Wootton/Desert Vista Water System** shall, by  
25       **August 31, 2012, mail** a copy of the above notice to **each of its customers**, by first-class U.S. Mail,  
26       and cause the above notice to be **published in a newspaper** of general circulation in its service area.

27       IT IS FURTHER ORDERED that **W.M. Wootton/Desert Vista Water System** shall file  
28       **certification of mailing and publication** as soon as practicable after mailing and publication has  
29       been completed, but no later than **September 10, 2012.**

30       IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publication  
31       of same, notwithstanding the failure of an individual to read or receive the notice.

32       IT IS FURTHER ORDERED that Staff shall file its **Staff Report** and associated exhibits to  
33       be presented at hearing by **August 24, 2012.**

34       IT IS FURTHER ORDERED that any **objection or response to the Staff Report** shall be  
35       made in writing and filed by **September 4, 2012.**

36       IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105,

except that all motions to intervene must be filed by **September 14, 2012.**

IT IS FURTHER ORDERED that any **objections to motions to intervene** shall be filed by **September 21, 2012.**

IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice.*

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113—Unauthorized Communications) applies to this matter and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 3<sup>rd</sup> day of August, 2012.

  
MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 3<sup>rd</sup> day of August, 2012, to:


Scott Wootton, President  
DESERT VALENCIA WATER SYSTEM  
DESERT VALENCIA WATER CO., INC.  
2000 Forest Hills Road  
Prescott, AZ 86303

Steven M. Olea, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
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ARIZONA CORPORATION COMMISSION  
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By:   
Debra Broyles  
Secretary to Marc E. Stern